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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/718,502	11/20/2003	Harald Twardawski	7395-000007	8220
27572	7590	01/28/2005	EXAMINER	
HARNESS, DICKEY & PIERCE, P.L.C. P.O. BOX 828 BLOOMFIELD HILLS, MI 48303			ALAVI, ALI	
			ART UNIT	PAPER NUMBER
			2875	

DATE MAILED: 01/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/718,502

Applicant(s)

TWARDAWSKI, HARALD

Examiner

Ali Alavi

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 November 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 2/09/04.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Objections

Claim 9 is objected to because of the following informalities: Line 3, "areal" appears to be a typographical error. Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-11 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 1 recites "the lamp head having two lugs arranged at opposite sides and connected to it.." is indefinite and vague because it is unclear as to what "it" is referenced to. Are the two lugs in which are arranged at opposite sides are connected to the head lamp?

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-12 are rejected under 35 U.S.C. 102(b) as being anticipated by Corvetti (US Pat. No 3,676,664).

As best understood from the claim language, Corvettii discloses a head lamp comprising a lamp head (25) for the reception of a light source (25) the lamp head having two lugs (not numbered) arranged at opposite sides and an elastic headband (10, col. 1, line 61) of the head lamp can be fastened for the fastening of the head lamp to the head of a person and which are so flexible that their shape is adaptable to the shape of the head by the tension of the headband (10) on being secured to the head (fig. 1), a battery holder (17) is provided with two lugs arranged at opposite sides of the battery holder (17) and connected thereto, to which the headband (10) can be fastened and which are so flexible that their shape is adaptable to the shape of the head by the tension of the headband (10) on being secured to the head, the lugs each have slot-shaped openings (11) through which the headband (10) can be guided (fig. 2), the battery holder (17) has a housing which is at least partly surrounded by a jacket (28, 29) made of an elastic material at which the lugs are formed from thermoplastic material (col. 1, 62), at least one lens (26) is formed in a wall of the housing (24) of the lamp head (25) as an image producing device for the formation of a light beam, which can be transmitted by the lamp head (25), from light of a light source (25) held in the lamp head (25); and in that a corresponding opening is provided in the jacket (26).

Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Rising (US Pat. No 5,412,545).

As best understood from the claim language, Rising discloses a head lamp (10) comprising a lamp head (54) for the reception of a light source (54) the lamp head having two lugs (11, 12) arranged at opposite sides and an elastic headband (12) of the head lamp can be fastened for the fastening of the head lamp to the head of a person and which are so flexible that their shape is adaptable to the shape of the head by the tension of the headband (12) on being secured to the head.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Broussard et al (US Pat. No 5,117,510) discloses a headband construction for supporting head lamp, Malis (US Pat. No 4,274,128) discloses a hinged headlamp.

Any inquiry concerning this communication or earlier communication from the examiner should be directed to Ali Alavi whose telephone number is (571) 272-2365. The examiner can normally be reached between 7:00 A.M. to 5:30 P.M. Tuesday to Friday. If attempts to reach the examiner by phone are unsuccessful, the examiner's supervisor, Sandy O'Shea can be reached at (571) 272-2378 or you may fax your inquiry to the **Central Fax** at (703) 872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status

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information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read 'Ali Alavi', with a stylized flourish at the end.

Ali Alavi
Patent Examiner